



# Memorandum

**TO:** CITY COUNCIL

**FROM:** Mayor Liccardo  
Councilmember Davis  
Councilmember Foley

**SUBJECT:** ILLEGAL DUMPING FINES  
AND ENFORCEMENT

**DATE:** 05/14/21

**APPROVED:**

**DATE:** 05/14/21

## **RECOMMENDATION**

Approve the April 22, 2021 Memo on Illegal Dumping Fines and Enforcement from Councilmember's Jimenez and Peralez, and:

Direct the City Manager to carve an easier path for our residents and businesses to “do the right thing” by:

1. Work with our waste haulers to provide an easy-to-find, permanently accessible number to call & URL for trash, recycling and the Free Junk Pick-Up Services in English, Spanish and Vietnamese imprinted on the side of new collection carts.
2. Identify relevant third-parties—including contractors, realtors, apartment managers, appliance and mattress retailers, home improvement stores—who could convey information about proper disposal of appliances and other large waste items to people moving in and out of homes and to those completing home improvement projects. Assess a potential range of voluntary and mandatory mechanisms by which information might be conveyed to customers.
3. Make disposal of e-waste, paint, batteries, light bulbs and other Household Hazardous Waste (HHW) more accessible to residents by working with relevant agencies to shift hours of the HHW program to offer late afternoon, evening and weekend hours.
4. Reactivate appliance recycling by working to address current challenges with recycling “smart” appliances:
  - a. Environmental Services Department (ESD) and InterGovernmental Relations (IGR) staff should advocate with CalRecycle and other state agencies to introduce a smart appliance recycling fee to help recover the additional labor cost for dismantling and recycling smart appliances.

- b. Identify and evaluate successful efforts at behavior change introduced by other States and municipalities to reactivate appliance recycling.

## **DISCUSSION**

We thank Councilmember Jimenez and Councilmember Peralez for introducing their memo on increasing fines for illegal dumping. We support this effort at catching and deterring bad behavior.

While the majority of us know how to dispose of most waste and recyclables, there are a myriad of items that require special handling and cannot be included in the carts we utilize. Items that cannot go into the waste or recycling hauler carts include: paint, cooking oil, electronics, computers, TV's, monitors, cell phones, carbon monoxide alarms, certain smoke detectors, microwave ovens,, spray paint cans, broken glass, most children's toys, strollers, kiddie pools, fluorescent light bulbs, compact fluorescent light bulbs, household batteries, car batteries, toilets, mercury-containing thermostats, thermometers, sharps, needles, lancets, diabetes testing kits, used motor oil, oil filters, antifreeze, tires, and that's just a portion of the list of items that cannot go in any of the carts that we are asking our residents to use.

Our staff that routinely assist in efforts to coordinate Dumpster Days and handle quality of life complaints often encounter people who are at their wits end in trying to get rid of items. We can make it easier for people to do the right thing through the following steps:

**Imprint information on carts:** Renters repeatedly state that they don't get Free Junk-Pick and other waste hauler information from their property owners. We have unintentionally created an equity issue by giving Free Junk Pick-Up and hauler information to property owners through their tax bills. This has the effect of creating an information, and ultimately a service gap, among high rent, high transition neighborhoods. [A 2019 San Jose State University study showed that while 85% of single-family dwellings, which tend to be comprised of more homeowners, knew about and used the Free Junk Pick-Up service, that number dropped to just 50% among rental properties.](#)

Our Integrated Waste Management (IWM) Team is piloting an effort to provide more information on what to recycle on 5,000 cart lids in an effort to reduce contamination in the recycling stream. Future iterations of this effort should include a phone number and a URL such as [www.sanjoserecycle.org](http://www.sanjoserecycle.org)

**Convey information through third parties:** Our dedicated Reducing And Preventing Illegal Dumping (RAPID) team members and other staff repeatedly note that illegal dumping reports and requests are highest at the end of the weekend and on Mondays. People move during the weekends, and during the course of packing or unpacking, people discover that they can't take everything with them, or items have broken during the move. More people also tackle home improvement projects during the weekend.

Third party appliance and mattress retailers, home improvement stores, and others who interact the most with residents working on home improvement projects or moving can provide information on Free Junk Pick and waste hauling services provided by staff.

**Make Household Hazardous Waste (HHW) disposal more accessible:** While drop off of materials to the County/City collaborative HHW program can be done by appointment or during Saturday drop off hours, no locations are open after 1:00 PM on any day. We often hear from frustrated home owners involved in home clean-up or home improvement projects that the HHW drop-off program has impractical hours. Staff should work with the County to adjust hours so that

evening, late afternoon and weekend hours are offered, even if a weekday morning appointment time slot is eliminated.

**Reactivate appliance recycling:** Illegal dumping of appliances in San José peaked during the early months of the Pandemic. The metal redemption value on appliances has crashed from \$20 - \$30 per appliance, to just \$4 or \$5. It's no longer worth it for a scrap metal hauler to drive around and pick up appliances. Recycling centers have to spend more of their time and money on paying staff to dismantle the electronic components and make the appliance ready to be recycled.

The ESD and IGR teams should advocate with CalREcycle and other entities to advocate for a Statewide smart appliance recycling fee to help recover the labor cost to disassemble smart appliances and prep them for recycling. Staff should identify and evaluate efforts at behavior change introduced by other States and municipalities to reactivate appliance recycling, such as that in [Delaware, where municipalities are offering as much as \\$50 for redeeming an appliance.](#)

Our free junk pick-up service has seen a 107% increase in service requests for April – December 2020 compared to 2019 request levels, as reported at the February 2021 Transportation & Environment Committee. Our Beautify SJ staff is currently collecting over 45 TONS+ of trash and debris from City streets each week. These data points demonstrate that multiple things can be true. People are trying to do the right thing, and people are dumping more. We can catch and correct behavior that negatively impacts our community while continuing to find ways to amplify positive behavior.

*BROWN ACT: The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff*